

**MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION MEETING
March 15, 2016
112 Confederate Street
7:00 PM**

Present: James Traynor, Hynek Lettang, John Garver, Ben Hudgins, Tom Petty, Planning Director Joe Cronin, Assistant Planner Chris Pettit

Absent: Jay McMullen, Chris Wolfe

Guests: Jon Hattaway (Fort Mill School District/Cumming), Tammy Carter (Property Owner), Frank Carter (Property Owner), Bryan Tuttle (Tuttle Co.), Josh Campson (Student)

Chairman Traynor called the meeting to order at 7:00 pm and welcomed everyone in attendance.

Mr. Garver made a motion to approve the minutes from the February 16, 2016, meeting, with a second by Mr. Lettang. The minutes were approved by a vote of 5-0.

Planning Director stated that he had heard from Mr. Wolfe and Mr. McMullen in advance of the meeting, and that both would be unable to attend due to other commitments.

NEW BUSINESS ITEMS

1. **Annexation Request: Fort Mill School District Property:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and provide a zoning recommendation on an annexation request for 15.258 acres on Whites Road.

Planning Director Cronin stated that the property is currently owned by the Fort Mill School District. It is the district's intent to recombine this parcel with the neighboring high school site, which contains approximately 82 +/- acres at the intersection of Whites Road and Fort Mill Parkway. The district is requesting a zoning designation of R-10 Residential. Planning Director Cronin stated that the high school site is also zoned R-10. In addition, it was staff's opinion that R-10 was also consistent with the recommendations of the comprehensive plan. Therefore, staff recommended in favor of approval with R-10 zoning.

Mr. Garver made a motion to recommend in favor of approving the annexation request with a zoning designation of R-10. Mr. Hudgins seconded the motion. The motion was approved by a vote of 5-0.

2. **Annexation Request: 601 Sutton Road:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and provide a zoning recommendation on an annexation request for 3.4 acres located at 601 Sutton Road.

Planning Director Cronin stated that the property is currently owned by Frank and Tammy Carter. The Carters are seeking to sell the property for commercial redevelopment, and have requested a zoning designation of HC Highway Commercial upon annexation. Planning Director Cronin noted that this section of Sutton Road, located between I-77 and U.S. 21, has been gradually transitioning from residential to commercial development over the last few years, and in staff's opinion, the HC district would be consistent with both the changing nature of the corridor, as well as the recommendations of the comprehensive plan. Planning Director Cronin added that the property would also be subject to the requirements of the COD-N overlay district, if annexed. Therefore, staff recommended in favor of approval with HC zoning.

Chairman Traynor asked if the applicants had a specific commercial use in mind. The listing agent, Bryan Tuttle of the Tuttle Co., stated that the property is not currently under contract, but that annexation with commercial zoning designation would make it easier to market the property for future commercial use.

Mr. Hudgins made a motion to recommend in favor of approving the annexation request with a zoning designation of HC. Mr. Lettang seconded the motion. The motion was approved by a vote of 5-0.

3. **Final Plat: Massey Phase 2, Map 2:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and approve a final plat for Massey Phase 2, Map 2, containing 62 single-family residential lots on 25.026 acres. One new road name (Blakney Point Road) was also included, and the York County Addressing Office has approved the proposed name. The remaining road names were extensions of previously approved roads from Massey Phase 2, Map 1. Planning Director Cronin stated that the plat was consistent with the approved preliminary plat for Massey Phase 2, and therefore, staff recommended in favor of approval. Because all required infrastructure was not yet completed, staff also recommended that the approval be contingent upon the applicant providing a bond or letter of credit in the amount of 125% of the remaining infrastructure cost.

Mr. Hudgins asked whether the Planning Commission could require the developer to provide additional open space. Planning Director Cronin responded that this would have needed to be done during preliminary plat approval. Since the preliminary plat met the town's open space requirements and was previously approved by the Planning Commission, the project was legally vested, and additional changes could not be mandated at this time.

Mr. Garver made a motion to approve the final plat for Massey Phase 2, Map 2, contingent upon the applicant securing a bond or letter of credit for the remaining infrastructure, and also to approve the road name for Blakney Point Road. Mr. Lettang seconded the motion. The motion was approved by a vote of 5-0.

4. **Text Amendment: Convert R-5 Residential to R-7 Residential:** Planning Director Cronin stated that this request was initiated by town council during a recent workshop held

earlier in March. Though planning staff was not present at the workshop, staff was notified of council's desire to eliminate the R-5 Residential district and replace it with an R-7 Residential district. Planning Director Cronin provided a brief overview of the text amendment, which had been prepared by staff at council's request. The primary changes included in the draft amendment would increase the minimum lot size from 5,000 square feet in R-5 to 7,000 square feet in R-7, a 40% increase. The amendment would also increase the front, side and rear yard setbacks, leaving a buildable envelope that was roughly the same as that allowed in the R-5 district (3,240 SF for R-7 vs. 3,200 for R-5). As drafted, the text amendment would keep the three unit per acre density cap in the R-7 district, in order to continue offering a "medium-density residential" district, as recommended in the comprehensive plan. Planning Director Cronin also discussed the four residential communities which have been permitted under the R-5 district, including Oakland Pointe, Pecan Ridge, Springview Meadows and Sutton Mill. Should council elect to approve the text amendment as presented, more than 470 R-5 residential lots would become non-conforming with the new R-7 requirements. A discussion then took place.

Mr. Garver asked what would happen to the individuals who have bought, or will buy homes in the future, within neighborhoods that are currently zoned R-5. Planning Director Cronin stated that if those subdivisions were rezoned to R-7, then future non-conformities would be "grandfathered" under the zoning ordinance; however, any future additions or modifications would be subject to the requirements of the R-7 district, including larger setbacks. Mr. Garver also asked what would happen to the builders if the district changes before new homes are built. Planning Director Cronin stated that all four subdivisions have been entitled, and would be eligible to be built out under the requirements of the R-5 district, regardless of whether the zoning ordinance changes.

Chairman Traynor asked why the town couldn't keep the R-5 district and add a new R-7 district. Planning Director Cronin responded that this would be an option, and that the town attorney is looking into legal considerations regarding whether council can close a district to new rezonings and annexations, or if this would require a formal moratorium. Otherwise, applicants could continue to request R-5 zoning, which staff, the Planning Commission and council would need to continue to process and review. He added that he had communicated via email with a planner from Horry County, which has retained several "legacy" zoning districts; however, as a result, Horry County now has more than 50 zoning districts. This would not be recommended for a community our size, especially considering that the town already has R-5, R-10, R-12, R-15 and R-25 districts.

Mr. Hudgins stated that he liked seeing the addition of a usable open space requirement in the draft language for the R-7 district, but requested further clarification as to what would be considered "usable." Planning Director Cronin stated that the ordinance gave some general criteria as to what constituted usable and unusable open space, but left some discretion for the Planning Commission to interpret what was appropriate. The new UDO is also expected to contain requirements for usable open space in all residential zoning districts. In all likelihood, even if council approves the text amendment, it is not expected that any new R-7 subdivisions will be approved before adoption of the new UDO.

Mr. Petty stated that he thinks density and growth are two separate issues. There tends to be a lot of discussion about controlling or minimizing density, rather than addressing the actual impacts associated with growth. He added that density makes providing public services more efficient for local governments, and that these types of reactions could have unintended negative consequences. He also stated that the comprehensive plan is the tool that guides our work, and if council desires to reduce or eliminate medium density residential, it should first be addressed in the comprehensive plan, and not in the zoning ordinance.

Because consideration of the text amendment has been deferred by town council until May, staff recommended in favor of deferring consideration of this item, as well as rezoning ordinances for the four subdivisions, until the April Planning Commission meeting.

Mr. Petty made a motion to defer consideration of the rezoning ordinance. Mr. Garver seconded the motion. The motion to defer was approved by a vote of 5-0.

5. **Rezoning Request: Oakland Pointe Subdivision:** Planning Director Cronin stated that should council elect to eliminate the R-5 district and replace it with a new R-7 district, the Oakland Pointe subdivision, which is currently zoned R-5, will need to be rezoned to R-7, or some other district. Because consideration of the text amendment has been deferred by town council until May, staff recommended in favor of deferring consideration of this item until the April Planning Commission meeting.

Mr. Petty made a motion to defer consideration of the rezoning ordinance. Mr. Garver seconded the motion. The motion to defer was approved by a vote of 5-0.

6. **Rezoning Request: Pecan Ridge Subdivision:** Planning Director Cronin stated that should council elect to eliminate the R-5 district and replace it with a new R-7 district, the Pecan Ridge subdivision, which is currently zoned R-5, will need to be rezoned to R-7, or some other district. Because consideration of the text amendment has been deferred by town council until May, staff recommended in favor of deferring consideration of this item until the April Planning Commission meeting.

Mr. Petty made a motion to defer consideration of the rezoning ordinance. Mr. Garver seconded the motion. The motion to defer was approved by a vote of 5-0.

7. **Rezoning Request: Springview Meadows Subdivision:** Planning Director Cronin stated that should council elect to eliminate the R-5 district and replace it with a new R-7 district, the Springview Meadows subdivision, which is currently zoned R-5, will need to be rezoned to R-7, or some other district. Because consideration of the text amendment has been deferred by town council until May, staff recommended in favor of deferring consideration of this item until the April Planning Commission meeting.

Mr. Petty made a motion to defer consideration of the rezoning ordinance. Mr. Garver seconded the motion. The motion to defer was approved by a vote of 5-0.

8. **Rezoning Request: Sutton Mill Subdivision:** Planning Director Cronin stated that should council elect to eliminate the R-5 district and replace it with a new R-7 district, the Sutton Mill subdivision, which is currently zoned R-5, will need to be rezoned to R-7, or some other district. Because consideration of the text amendment has been deferred by town council until May, staff recommended in favor of deferring consideration of this item until the April Planning Commission meeting.

Mr. Petty made a motion to defer consideration of the rezoning ordinance. Mr. Garver seconded the motion. The motion to defer was approved by a vote of 5-0.

ITEMS FOR INFORMATION / DISCUSSION

1. **COD/COD-N Design Guidelines Update:** Planning Director Cronin stated that a subcommittee made up of Chairman Traynor, Mr. McMullen and Mr. Petty held a second meeting on March 9th to discuss design guidelines related to landscaping and signage within the COD-N overlay district. The subcommittee also revisited lighting requirements for pedestrian areas. The subcommittee will meet at least once more, and final recommendations are now expected to be submitted in April.
2. **UDO Update:** Planning Director Cronin stated that the final articles of the UDO were delayed due to the resignation of the town's stormwater manager in January. The planning department has now received recommended language for the stormwater section of the UDO from the town engineer. This information was forwarded to the project consultant for inclusion in the UDO. As soon as the final articles are received from the consultant, they will be forwarded to the UDO Advisory Committee for review and comment.

Planning Director Cronin reminded commission members of upcoming term expirations. Mr. Hudgins and Mr. Petty have both applied for reappointment; however, Mr. Garver has decided to roll off the Planning Commission at the end of his term to give another individual an opportunity to serve.

On behalf of staff and Town Council, Planning Director Cronin thanked Mr. Garver for his service to the town over the last 10 years. Chairman Traynor and other members of the commission also recognized Mr. Garver, and thanked him for his contributions to the Planning Commission and the community.

There being no further business, the meeting was adjourned at 8:10 pm.

Respectfully submitted,

Joe Cronin
Planning Director